

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SABELITA HAWKINS

Plaintiff

v.

UNITED STATES OF AMERICA, et al

Defendants.

Case No. 2:16-cv-00498-JLR

JLR

**JOINT STIPULATION AND ~~proposed~~
ORDER AMENDING CASE SCHEDULES**

The Plaintiff, Sabelita Hawkins (“Plaintiff” or “Hawkins”), and the Defendants, United States of America, et al (“Defendants”) by and through their respective counsel of record, jointly submit the following Stipulation to continue the trial and pre-trial dates and deadlines set by the Court and agree that this case can be moved to the end of the Court’s trial calendar. The parties previously filed a joint status report requesting relief from the discovery deadline and a continuance of the trial date. Dkt. 61. On January 20, 2023, the Court issued an Order stating that the Court is will ing to consider moving the Parties’ trial date to the end of its trial calendar, likely in the summer of 2024. Dkt. 62. The Court noted that if it moves this matter to the end of its trial calendar, the Court will also issue a new scheduling order with respect to all unexpired pretrial deadlines. *Id.* The Court directed the parties to file a stipulated motion if they wish to seek this relief. *Id.* The parties hereby jointly stipulate and respectfully request this relief

1 The Stipulation is made pursuant to Federal Rules of Civil Procedure 6(b). The Parties
 2 recently discovered additional treatment providers of the Plaintiff, Ms. Sabelita Hawkins, which
 3 were not previously disclosed in 2016. The United States will need to collect and review the
 4 records of these additional treatment providers. Additionally, the parties will also need to update
 5 the damage discovery following the receipt of these records. For all these reasons the parties set
 6 out a proposal and request an extension of the current case schedule.
 7

8 I. SYNOPSIS OF THE CASE

9 The Ninth Circuit¹ on September 28, 2021 reversed the district court's October 1, 2019
 10 judgment and remanded for further proceedings. On November 22², 2021, a Mandate was issued
 11 in this Court. This Court entered an Order Directing a Status Report on November 23, 2021
 12 within twenty-one (21) days of the Order³. The parties filed their Joint Status Report on
 13 December 12, 2021⁴ requesting at least 60 days to engage in the settlement discussions or up
 14 until February 14, 2022, before this Court sets a Settlement Conference. The Court granted this
 15 request⁵ and a Minute Order was entered stating the following: "The parties are directed to file
 16 settlement paperwork or another Joint Status Report by April 11, 2022." This additional request
 17 for time is being made to provide time for the Defendant to contact one of the Primary Care
 18 Physician witnesses who is no longer with the VA Puget Sound Health Care System as well as
 19 for continued settlement discussions. On April 11, 2022, the parties filed their Joint Status
 20 Report⁶ and requested at least sixty (60) days to engage in settlement discussions or up until June
 21 10, 2022, before this Court sets a Settlement Conference. The Court granted this request⁷ and a
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 23
 24

25 ¹ See Docket No. 49

26 ² See Docket No. 50

27 ³ See Docket No. 21

28 ⁴ See Docket No. 52

⁵ See Docket No. 55

⁶ See Docket No. 56

⁷ See Docket No. 57

Minute Order was entered stating the following: “The parties are directed to file settlement paperwork or another Joint Status Report by June 10, 2022.” A Joint Status Report was filed on June 16, 2022 by the parties and a trial date was set June 24, 2022⁸. A minute order setting trial date and related dates was entered by this Court on June 24, 2022⁹.

In light of the Ninth Circuit’s Ruling the parties have conferred and request an extension of the current discovery deadline which is currently set for February 13, 2023 and extended to May 18, 2023. And an extension of the trial date which is currently set for June 12, 2023.

Pending Motions

There are no pending motions before this Court for this case.

II. STIPULATION OF PARTIES TO CONTINUE THE TRIAL AND CORRESPONDING PRE-TRIAL DATES BASED ON GOOD FAITH

The parties stipulate and agree to a continuance of the pre-trial and trial dates to some time at the end of the Court’s trial calendar for the following reasons: (1) Parties recently discovered additional treatment providers of the Plaintiff, Ms. Sabelita Hawkins, which were not previously disclosed in 2016; (2) The United States will need to collect and review the records of these additional treatment providers; and (3) Additionally, the parties will also need to update the damage discovery following the receipt of these records. The February 13, 2023 discovery deadline does not provide the Parties sufficient time to prepare discovery and update the damage discovery following the receipt of the Plaintiff’s records.

The parties stipulate and agree to continue the trial and pre-trial dates and deadlines set by the Court and agree to some time at the end of the Court’s trial calendar. Without this

⁸ See Docket No. 59

⁹ See Docket No. 60

1 continuance of the dates, the parties will be prejudiced. The parties have been complying with
 2 the current dates and deadlines set forth in the Court's case schedule. The parties agree to extend
 3 the unexpired deadlines of the trial order. This continuance of the dates and deadlines would
 4 serve to avoid any potential fees and costs, as well as waste of judicial resources and time, filing
 5 potential motions after the cut-off dates for leave to amend the scheduling order. To this end, the
 6 parties stipulate and agree to a trial continuance to some time at the end of the Court's trial
 7 calendar.
 8

9 Federal Rules of Civil Procedure 6(b) gives the Court broad discretion to regulate pre-
 10 trial matters, to manage its calendar, grant continuances of scheduling dates, and to direct the
 11 parties in a manner that expedites disposition of the action and facilitates settlement. As set forth
 12 herein, good cause exists for the Court to grant the continuance under any of the Rules.
 13

14 IT IS SO STIUPLATED.

15 Dated: February 3rd, 2023

Dated: February 3rd, 2023

17 /s/ Tuella O. Sykes`

/s/ Kristin B. Johnson

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ORDER

Based on the foregoing Stipulation and good cause appearing therefore, IT IS HEREBY ORDERED that the Trial Date is continued, and an Amended Case Schedule will be set by the Court per its current calendar.

IT IS SO ORDERED.

Dated: February 6, 2023

A handwritten signature in black ink, appearing to read "James L. Robart", written over a horizontal line.

Honorable James L. Robart
United States District Court Judge